

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application.

35 U.S.C. § 101

Claims 59-67 and 78-81 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. On page 3 of the Feb. 2, 2005 Office Action, the Examiner states "The term 'financial management system' could be interpreted broadly to encompass systems that do not include technology." Applicant has amended claim 59 to recite "a processor-based financial management system...." Applicant submits that the addition of "processor-based" clearly indicates that the financial management system includes technology.

Applicant respectfully requests that the §101 rejections be withdrawn.

35 U.S.C. § 103

Claims 59-67, 71 and 78-81 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,940,809 to Musmanno et al. (hereinafter "Musmanno") in view of U.S. Patent No. 6,018,722 to Ray et al. (hereinafter "Ray"). Applicant respectfully submits that claims 59-67, 71 and 78-81 are patentable over Musmanno in view of Ray.

Musmanno discloses:

A central asset management system is provided having a central reference facility for coordination of all transaction processing. For each customer, a unique identifier (UID) is assigned as a stable, semi-permanent tag. The UID is then used for subsequent processing relating to that customer, even with multiple customer accounts, rather than individual

transaction numbers for each process. Use of the UID is facilitated through a front end processor that handles all incoming external transaction data and converts it into a usable format, cross-referenced with the appropriate UID. Use of the UID reduces the overall variability and number of transaction identifiers, thus increasing efficiency and simplifying all aspects of the system. The system makes other simplifying uses of the UID, for example, as a key for segregating the transaction processes into different processing areas to be performed simultaneously. Once processed, transactions are converted back into the necessary formats usable by various external systems by a back end processor. (Musmanno Abstract).

Thus, the Musmanno reference is concerned with asset management systems within a particular financial institution. For example, at col. 3, lines 43-51, Musmanno states:

The majority of the system resides in a mainframe computer environment, preferably an IBM 3390 system (block 100). Connected to the mainframe, but within the financial institution ("FI") operating system are various dumb terminals (112) for FI personnel to access the system as needed. Users at remote FI branches have terminals (114) connected to a network, which is in turn connected to the mainframe system (100) to access the present system. (Emphasis Added).

The Musmanno disclosure focuses on the handling of accounts at a single financial institution.

Ray discloses:

A computer implemented expert securities portfolio investment management system which operates as Registered Investment Advisor. The system automatically defines personal customer objectives, designs individualized investment portfolios, adjusts portfolios for economic environment, researches and selects specific securities, evaluates and determines the proper time to buy and sell customer securities, generates orders to buy and sell customer securities, updates customer account information and provides tax and performance reports. Research data and personal account information are updated on a timely, periodic basis. (Ray Abstract).

The disclosure of the Ray reference focuses on a typical brokerage account or portfolio. "This powerful tool enables untrained individuals to manage their portfolio with superior expertise, integrity and single minded devotion to achieving their personal objectives, and avoids the need for investors to interact with a salesperson." Col. 2, lines 10-14. "Fig. 4 is a flow chart describing the expert system automatic management process;" Col. 3, lines 51-52. Fig. 4 of Ray shows a single customer brokerage account, labeled with reference number 128. Thus, Ray discloses managing holdings in individual accounts or individual portfolios. For example, Ray discloses tools related to selling holdings in a brokerage account and buying holdings in the brokerage account.

Claim 59, as amended, recites:

A method comprising:

a processor-based financial management system identifying a first account balance associated with a first account, wherein the first account is associated with a first financial institution, and wherein the financial management system is associated with a second financial institution, the second financial institution being independent of the first financial institution;

the financial management system comparing the first account balance to a particular value;

if the first account balance exceeds the particular value, the financial management system recommending a transfer of funds from the first account to a second account associated with the second financial institution, wherein the first account and the second account have a common account holder, and wherein the recommendation to transfer funds identifies an amount to be transferred equal to the value by which the first account balance exceeds the particular value; and

if the first account balance is below the particular value, the financial management system recommending a transfer of funds from the second account to the first account.

As discussed above, the Musmanno reference is focused on a single financial institution providing a CMA or similar account function. However, the disclosure of Musmanno fails to disclose or suggest "if the first account balance exceeds the particular value, the financial management system recommending a transfer of funds from the first account to a second account associated with the second financial institution, wherein the first account and the second account have a common account holder", as recited in claim 59. As further recited in claim 59, "the second financial institution being independent of the first financial institution". Thus, claim 59 recites the movement of funds between two separate financial institutions. These independent financial institutions do not share customer account information with one another. Therefore, the processor-based financial management system acts as an intermediary that is able to access accounts at both of the independent financial institutions (e.g., check account balances), recommend funds transfers, and initiate a funds transfer transaction based on information obtained from the multiple accounts. This type of operation is not disclosed or suggested by Musmanno.

Further, the Ray reference fails to correct these deficiencies of Musmanno. Accordingly, the combination of Musmanno and Ray fail to disclose or suggest the elements of claim 59.

Additionally, Applicant submits that amended claim 59 is further allowable over Musmanno in view of Ray based on the added language, "if the first account balance is below the particular value, the financial management system recommending a transfer of funds from the second account to the first account." Thus, claim 59 recites the movement of funds in two different directions (i.e.,

from the first account to the second account and from the second account back to the first account). Applicant respectfully submits that neither Musmanno nor Ray, alone or in combination, disclose or suggest this bi-directional movement of funds.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 59 is patentable over Musmanno in view of Ray. Given that claims 60-67, 71, and 78-81 depend from claim 59, Applicant respectfully submits that those claims are likewise allowable over Musmanno in view of Ray for at least the reasons discussed above.

New Claim

Applicant submits that new claim 82 is allowable for at least the reasons discussed above.

Conclusion

Claims 59-67, 71 and 78-82 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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